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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,222	04/22/2004	Akira Yano	0152-0688PUS1	5948
2292	2292 7590 11/27/2006		EXAMINER	
BIRCH STI	EWART KOLASCH &	RICKMAN, HOLLY C		
	PO BOX 747 FALLS CHURCH, VA 22040-0747		ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

_		Application No.	Applicant(s)				
Office Action Summary		10/829,222	YANO ET AL.				
		Examiner	Art Unit				
		Holly Rickman	1773				
Period fo	The MAILING DATE of this communication ap or Reply	opears on the cover sheet with the c	orrespondence address				
A SHOWHIC - External after - If NO - Failu Any I	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING Insions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. In period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by staturely received by the Office later than three months after the mailing department term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION .136(a). In no event, however, may a reply be tind d will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
1)	Responsive to communication(s) filed on						
•—	•	is action is non-final.					
3)	Since this application is in condition for allow		esecution as to the merits is				
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)⊠	Claim(s) 1-8 is/are pending in the application						
•	4a) Of the above claim(s) is/are withdrawn from consideration.						
	5) Claim(s) is/are allowed.						
	6) Claim(s) is/are rejected.						
7)	Claim(s) is/are objected to.						
8)🖂	Claim(s) <u>1-8</u> are subject to restriction and/or	election requirement.					
Applicati	on Papers						
9) The specification is objected to by the Examiner.							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority ι	under 35 U.S.C. § 119						
a)l	Acknowledgment is made of a claim for foreig All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Bures See the attached detailed Office action for a lis	nts have been received. nts have been received in Applicati ority documents have been receive au (PCT Rule 17.2(a)).	on No ed in this National Stage				
2) Notic	t(s) te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-948) that ion Disclosure Statement(s) (PTO/SB/08)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P	ate				
Paper No(s)/Mail Date 6) Other:							

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Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-2 and 7-8, drawn to a magnetic recording medium and a storage device,

classified in class 428, subclass 831.

II. Claims 3-6, drawn to a method of making a magnetic recording medium,

classified in class 204, subclass 192.2.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and II are related as process of making and product made. The

inventions are distinct if either or both of the following can be shown: (1) that the process as

claimed can be used to make another and materially different product or (2) that the product as

claimed can be made by another and materially different process (MPEP § 806.05(f)). In the

instant case, the article as claimed can be made by a materially different process such as

chemical vapor deposition of the seed and recording layers.

3. Because these inventions are independent or distinct for the reasons given above and

there would be a serious burden on the examiner if restriction is not required because the

inventions have acquired a separate status in the art in view of their different classification,

restriction for examination purposes as indicated is proper.

4. A telephone call was made to John Bailey on 11/20/06 to request an oral election to the

above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Rickman whose telephone number is (571) 272-1514. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Holly Rickman Primary Examiner Art Unit 1773

hr November 20, 2006